

GREENFIELD TOWN COUNCIL

186<sup>th</sup> Regular Meeting Minutes

October 17<sup>th</sup>, 2018

7:00 p.m.

Greenfield High School Cafeteria

21 Barr Avenue

**Council Vote Summary**

**WEBSITE VERSION**

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**MOTIONS, ORDERS, AND RESOLUTIONS**

**Order no. FY 19-027**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Pyfrom, it was by roll call, 12 Yes, 1 No,

**VOTED:** THAT THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED THE COUNCIL AUTHORIZES THE PAYMENT OF A BILL FROM FY18 FROM THE FY19 HUMAN RESOURCE BUDGET IN THE AMOUNT OF \$142.30

**Order no. FY 19-028**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Ricketts, it was, by majority, 1 No,

**VOTED:** THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED, THE SUM OF \$1,978.90 BE APPROPRIATED FROM THE RESERVE FUND TO PAY BILLS FROM THE PREVIOUS FISCAL YEAR.

**Order no. FY 19-029**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Ricketts, it was by majority,

**TABLED:** THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED THE SUM OF \$28,357 BE APPROPRIATED FROM THE COMPENSATED ABSENCES FUND 8450 TO FUND BUYBACKS FOR UNUSED VACATION/PERSONAL/SICK TIME AS PROVIDED BY CONTRACT

**Order no. FY 19-030**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Ricketts, it was by roll call, 5 Yes, 7 No,

**DEFEATED:** THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED THE SUM OF \$23,670 BE APPROPRIATED FROM THE CONTRACTUAL STABILIZATION FUND TO FUND PROVISIONS OF TERMINATION AS PROVIDED BY CONTRACT

**Order no. FY 19-031**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Pyfrom, it was, unanimously

**VOTED:** THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED THE SUM OF NOT TO EXCEED \$43,000 BE APPROPRIATED FROM THE CONTRACTUAL STABILIZATION FUND TO FUND RETROACTIVE WAGE PROVISIONS OF A NEW CONTRACT AGREEMENT WITH UNIT B OF THE POLICE UNION.

**Order no. FY 19-040**

**MOTION:** On a motion by Councilor Gilmour, second by Councilor Mass, it was unanimously,

**VOTED:** THAT IT BE ORDERED, THE GREENFIELD TOWN COUNCIL HEREBY APPROVES THE ATTACHED STATE ELECTION WARRANT FOR NOVEMBER 6, 2018, AND FURTHER AUTHORIZES THE TOWN COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE TOWN COUNCIL.

**Order no. FY 19-041**

**MOTION:** On a motion by Councilor Gilmour, second by Councilor Ricketts, it was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 19-041: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO APPROVE THE FORMATION OF THE "GREENFIELD AFFORDABLE HOUSING PARTNERSHIP COMMITTEE", AN AD-HOC COMMITTEE FOR THE PURPOSE OF MAKING RECOMMENDATIONS AS TO THE OF

**CREATING AND EFFECTUATION OF THE AVAILABILITY OF AFFORDABLE HOUSING IN THE TOWN OF GREEFIELD.** THE COMMITTEE WILL COMPRISE OF 2 TOWN COUNCILORS; 2 REPRESENTATIVES FROM NON-PROFITS WHO WORK ON HOUSING ISSUES; 3 CONCERNED CITIZENS WITH RELEVANT EXPERIENCE; 2 **CURRENT OR FORMER** MEMBERS FROM ZONING, PLANNING OR PLANNING AND CONSTRUCTION COMMITTEE. THE PRESIDENT WILL CHOOSE THE MEMBERS OF THE COMMITTEE, INCLUDING THE CHAIR PERSON, AS AMENDED.

**Order no. FY 19-042**

**MOTION:** On a motion by Councilor Ricketts, second by Councilor Mass, it was unanimously, **VOTED:** THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING RE- APPOINTMENT BY THE MAYOR OF CHRISTOPHER JOSEPH TO THE FRANKLIN COUNTY TECHNICAL SCHOOL BOARD FOR A THREE YEAR TERM TO EXPIRE DECEMBER 31, 2021

**Order no. FY 19-043**

**MOTION:** On a motion by Councilor Ricketts, second by Councilor Mayo, it was, by roll call, 5 Yes, 6 No,

**DEFEATED:** THAT IT BE ORDERED, THAT THE TOWN OF GREENFIELD COUNCIL APPROVES THE NEW ORDINANCE AS ATTACHED, CHAPTER 343, "ORDINANCE PROHIBITING SINGLE-USE CARRYOUT BAGS", WHICH SEEKS TO REDUCE THE NUMBER OF PLASTIC AND PAPER BAGS THAT ARE BEING BURNED, USED, DISCARDED AND LITTERED, AND TO PROMOTE THE USE OF REUSABLE CARRYOUT BAGS BY RETAIL ESTABLISHMENTS LOCATED IN THE TOWN OF GREENFIELD AND FURTHER AMENDS THE TABLE AND INDEX OF CONTENTS OF THE CODE AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

AN ORDINANCE PROHIBITING SINGLE-USE CARRYOUT BAGS

**PURPOSE** – THE CITY COUNCIL HEREBY FINDS THAT THE REDUCTION IN THE USE OF DISPOSABLE CHECKOUT BAGS BY RETAIL ESTABLISHMENTS IN THE CITY OF GREENFIELD (THE "CITY") IS A PUBLIC PURPOSE THAT PROTECTS THE MARINE ENVIRONMENT, REDUCES GREENHOUSE GAS EMISSIONS, PROTECTS WATERWAYS, AND LOWERS THE COST TO THE MUNICIPALITY OF LITTER COLLECTION, RECYCLING, AND SOLID WASTE DISPOSAL.

THIS ORDINANCE SEEKS TO REDUCE THE NUMBER OF PLASTIC AND PAPER BAGS THAT ARE BEING BURNED, USED, DISCARDED AND LITTERED, AND TO PROMOTE THE USE OF REUSABLE CARRYOUT BAGS BY RETAIL ESTABLISHMENTS LOCATED IN THE CITY.

**DEFINITIONS** – THE FOLLOWING WORDS SHALL, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, HAVE THE FOLLOWING MEANINGS:

"DEPARTMENT" MEANS THE CITY'S HEALTH DEPARTMENT.

"DIRECTOR" MEANS THE DIRECTOR OF THE CITY'S HEALTH DEPARTMENT OR THE DIRECTOR'S DESIGNEE.

"REUSABLE BAG" MEANS A BAG WITH HANDLES THAT IS MANUFACTURED OF COTTON, POLYESTER, NYLON OR A SIMILARLY DURABLE MATERIAL BUT NOT POLYETHYLENE OR POLYVINYL CHLORIDE. SUCH REUSABLE BAGS MUST BE DESIGNED TO BE REUSED AT LEAST 125 TIMES, AND TO BE WASHED AND SANITIZED BETWEEN USES.

"RECYCLABLE PAPER BAG" MEANS A PAPER BAG THAT IS 100 PERCENT RECYCLABLE, INCLUDING ANY HANDLES, AND THAT CONTAINS AT LEAST 40% POST-CONSUMER RECYCLED CONTENT MATERIAL, AND DISPLAYS THE LANGUAGE TO THIS EFFECT IN A VISIBLE MANNER ON THE OUTSIDE OF THE BAG.

"SINGLE-USE CARRYOUT BAG" MEANS A BAG MADE OF PLASTIC, PAPER, OR OTHER MATERIAL THAT IS PROVIDED BY A RETAIL ESTABLISHMENT TO A CUSTOMER AT THE

POINT OF SALE, AND THAT IS NOT A RECYCLED PAPER BAG OR A REUSABLE BAG. A SINGLE-USE CARRYOUT BAG DOES NOT INCLUDE THE FOLLOWING:

- A PAPER BAG PROVIDED BY A PHARMACY TO A CUSTOMER PURCHASING A PRESCRIPTION MEDICATION;
- A NON-HANDLED BAG USED TO PROTECT ITEMS FROM DAMAGING OR CONTAMINATING OTHER PURCHASED ITEMS PLACED IN A RECYCLED PAPER BAG OR A REUSABLE GROCERY BAG;
- A BAG PROVIDED TO CONTAIN AN UNWRAPPED FOOD ITEM; OR
- A NON-HANDLED BAG THAT IS DESIGNED TO BE PLACED OVER ARTICLES OF CLOTHING ON A HANGER.
- PAPER BAGS WITH DIMENSIONS OF LESS THAN 144 SQUARE INCHES ON THE LARGEST SIDE AND A BASIS WEIGHT OF 35 POUNDS OR LESS, INTENDED TO PROTECT PRODUCTS WHILE IN TRANSIT.

“RETAIN ESTABLISHMENT” MEANS ANY COMMERCIAL ENTERPRISE, DEFINED AS THE FOLLOWING, WHETHER FOR OR NOT FOR PROFIT, INCLUDING, BUT NOT LIMITED TO, PHARMACIES, CONVENIENCE STORES, GROCERY STORES, SEASONAL AND TEMPORARY BUSINESSES, JEWELRY STORES, AND HOUSEHOLD GOODS STORES. HOWEVER, THIS DOES NOT INCLUDE RESTAURANTS DRAWING MORE THAN 80% OF REVENUE FROM PREPARED FOOD, LIQUOR STORES, BAZAARS OPERATED BY NONPROFIT ORGANIZATIONS OR RELIGIOUS INSTITUTIONS. FOOD PANTRIES, SOUP KITCHENS, AND OTHER GOVERNMENTAL AND NOT FOR PROFIT AGENCIES THAT DISTRIBUTE FOOD OR OTHER PRODUCTS TO THE NEEDY FREE OF CHARGE ARE NOT INCLUDED IN THIS CATEGORY, AND ARE EXEMPT FROM THE TERMS OF THIS ORDINANCE.

**REQUIREMENTS** – EXCEPT AS PROVIDED FOR IN THIS CHAPTER, NO RETAIL ESTABLISHMENT SHALL PROVIDE A SINGLE-USE CARRYOUT BAG TO A CUSTOMER. A RETAIL ESTABLISHMENT MAY MAKE AVAILABLE FOR PURCHASE A RECYCLABLE PAPER BAG FOR A CHARGE OF NO LESS THAN \$0.25.

THE FEE CHARGED BY A RETAIL ESTABLISHMENT FOR A RECYCLABLE PAPER BAG MAY BE RETAINED BY THE RETAIL ESTABLISHMENT.

THE DIRECTOR SHALL HAVE THE AUTHORITY TO PROMULGATE REGULATIONS TO ACCOMPLISH ANY OF THE PROVISIONS OF THIS CHAPTER.

**EFFECTIVE DATE** – THIS ORDINANCE SHALL TAKE EFFECT ONE YEAR FROM THE DATE OF ENACTMENT.

**EXEMPTION** – THE DIRECTOR MAY EXEMPT A RETAIL ESTABLISHMENT FROM THE REQUIREMENTS OF THIS CHAPTER FOR A PERIOD OF ONE YEAR UPON A FINDING BY THE DIRECTOR THAT THE REQUIREMENTS OF THIS CHAPTER WOULD CAUSE UNDUE HARDSHIP TO A RETAIL ESTABLISHMENT. ANY EXEMPTION GRANTED BY THE DIRECTOR PURSUANT TO THIS SECTION SHALL EXPIRE AFTER ONE (1) YEAR. A RETAIL ESTABLISHMENT MAY RE-APPLY WHEN THE EXEMPTION EXPIRES. AN “UNDUE HARDSHIP” SHALL ONLY BE FOUND IN:

- CIRCUMSTANCES OR SITUATIONS UNIQUE TO THE PARTICULAR RETAIL ESTABLISHMENT OR CATEGORY OF RETAIL ESTABLISHMENT SUCH THAT THERE ARE NO REASONABLE ALTERNATIVES TO BAGS THAT ARE NOT RECYCLABLE PAPER BAGS OR REUSABLE BAGS, OR
- CIRCUMSTANCES OR SITUATIONS UNIQUE TO THE RETAIL ESTABLISHMENT OR CATEGORY OF RETAIL ESTABLISHMENT SUCH THAT COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER WOULD DEPRIVE A PERSON OF A LEGALLY PROTECTED RIGHT, OR
- CIRCUMSTANCES WHERE A RETAIL ESTABLISHMENT REQUIRES ADDITIONAL TIME IN ORDER TO DRAW DOWN AN EXISTING INVENTORY OF SINGLE USE CARRYOUT BAGS. ANY RETAIL ESTABLISHMENT RECEIVING SUCH AN

EXEMPTION SHALL FILE WITH THE DIRECTOR QUARTERLY REPORTS ON INVENTORY REDUCTION AND REMAINING STOCKS. ANY EXEMPTION SO GRANTED WILL EXPIRE WHEN THE INVENTORY OF SINGLE-USE PLASTIC CARRYOUT BAGS HAS BEEN EXHAUSTED.

ANY RETAIL ESTABLISHMENT SHALL APPLY FOR AN EXEMPTION TO THE DIRECTOR USING FORMS PROVIDED BY THE DEPARTMENT, AND SHALL ALLOW THE DIRECTOR, ACCESS TO ALL INFORMATION SUPPORTING ITS APPLICATION.

THE DIRECTOR MAY APPROVE THE EXEMPTION REQUEST, IN WHOLE OR IN PART, WITH OR WITHOUT CONDITIONS.

ANY EXEMPTIONS GRANTED SHALL BE A MATTER OF PUBLIC RECORD AS TO THE NAME OF THE RETAIL ESTABLISHMENT, THE EXPIRATION DATE OF THE EXEMPTION, AND THE SUBSECTION OF THIS ORDINANCE UNDER WHICH IT WAS GRANTED.

**ENFORCEMENT** – ANY RETAIL ESTABLISHMENT WHO SHALL VIOLATE ANY PROVISION OF THIS CHAPTER SHALL BE ISSUED A WARNING NOTICE. THE WARNING NOTICE ISSUED FOR THE FIRST OFFENSE SHALL PROVIDE AT LEAST 14 DAYS TO CORRECT THE VIOLATION, AFTER WHICH THE RETAIL ESTABLISHMENT IN QUESTION SHALL BE LIABLE FOR A FINE OF NOT MORE THAN \$300, AND EACH DAY'S VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE.

WHOEVER VIOLATES ANY PROVISION OF THIS CHAPTER MAY BE PENALIZED BY A NONCRIMINAL DISPOSITION AS PROVIDED IN G.L. c.40, §21D. FOR PURPOSES OF THIS SECTION, THE DIRECTOR OF THE HEALTH DEPARTMENT, THE EXECUTIVE DIRECTOR OF THE LICENSE COMMISSION, THE EXECUTIVE DIRECTOR OF INSPECTIONAL SERVICES DEPARTMENT AND THE DIRECTOR OF THE HEALTH COMMISSION, OR THEIR DESIGNEES SHALL BE THE ENFORCING PERSONS.

**SEVERABILITY** – IT IS THE INTENTION OF THE CITY COUNCIL THAT EACH SEPARATE PROVISION OF THIS CHAPTER SHALL BE DEEMED INDEPENDENT OF ALL OTHER PROVISIONS HEREIN, AND IT IS FURTHER THE INTENTION OF THE CITY COUNCIL THAT IF ANY PROVISION OF THIS CHAPTER BE DECLARED TO BE INVALID BY A COURT OF COMPETENT JURISDICTION THE REMAINING PROVISIONS OF THIS CHAPTER SHALL REMAIN VALID AND ENFORCEABLE.